

OPEN SPACE COUNCIL
MINUTES
Legislative Hall
Senate Hearing Room, Second Floor
Dover, DE
March 10, 2009
9:00 a.m.

ATTENDANCE

Council Members:

Lynn W. Williams, Chairperson
Honorable Gerald Brady
Nathan Hayward, III
Harvey Marvel
John Schroeder

Advisory to:

Honorable Acting Secretary, David Small, DNREC

Ex-Officio:

Honorable Jeff Bullock, Secretary of State
Honorable Ed Kee, Secretary of Agriculture
Charles A. Salkin, Parks & Recreation, DNREC

Staff:

Lee Ann Walling, Office of the Secretary, DNREC
Matthew Chesser, Parks & Recreation, DNREC
Austin Short, DOA
Michael Valenti, DOA
Ron Vickers, Parks & Recreation, DNREC
Patrick Emory, Fish & Wildlife, DNREC
Elena Tkacz, Parks & Recreation, DNREC
Heather Kenton, DEDO
Timothy Slavin, Director, Historical & Cultural Affairs

I. Call to Order/Announcements

Mrs. Lynn Williams, Chairperson, called the regular Open Space Council meeting to order at 9:16 am. She welcomed Council members, visitors, and staff and introduced new members. Representative Gerald Brady is the new member appointed by the Speaker of the House. Mr. Mark Brainard is a new member from New Castle County, but is unable to attend today's meeting. New ex-officio members Jeff Bullock (Secretary of State) and Ed Kee (Secretary of Agriculture) were introduced. Elena Tkacz, a new staff member from DNREC's Land Preservation Office, was also introduced.

II. Review of the Meeting Minutes

Mrs. Williams asked for corrections to the December 9, 2008 minutes. Mrs. Williams asked that a correction be made to the minute motion, it should read: "Council moved, seconded and approved minutes as written." Hearing no other corrections, Mrs. William asked for a motion to approve the minutes. It was moved, seconded and approved to accept the minutes with correction.

III. Financial Report

Mr. Vickers presented the financial report. The remaining amount of Realty Transfer Tax funds received on June 30, 2008 for FY2008 is \$4,086,886.00. Anticipated funds for FY2009 is \$5.1 million (43% reduction from typical funding) and will be available on June 30, 2009. The Open Space Program is also anticipating federal reimbursement related to the Coastal and Estuarine Land Conservation Program (CELCP/NOAA) for \$2,997,000.00. If all funding sources hold, then the total combined funds available through 6/29/10 would be \$12,183,886.00. There are ten previously approved projects amounting to \$11,190,862.67, leaving a balance of \$993,023.33 available through 6/29/2010.

One settlement took place since the last meeting: Ellendale/Redden SRA– ABC Woodlands - purchase of conservation easement on 302 acres.

Mr. Vickers handed out a letter written by Secretary Hughes, DNREC, outlining a list of ongoing projects requiring funding. This letter is in response to the letter Mrs. Williams received from Mr. Jackson of the Budget Office informing Council that Open Space funds would be put on hold until further notice. A revised list dated 3/10/09 categorizing projects according to priority of funding was handed out and discussed.

Mr. David Small said he had not received a written response, but has been verbally communicating, as early as this morning, with Mr. Jackson. Mr. Small is cautiously optimistic to have Section A of the revised list honored – he will know by Monday, March 16. Mr. Hayward said the State has an obligation to honor the outstanding projects and contracts.

Mr. Vickers said staff is trying to be creative by structuring payments and involving conservation partners where appropriate. The biggest challenge is convincing the

landowners to wait for the State funds to be available but without a definitive timeline this is becoming difficult.

Both Secretary of State, Jeff Bullock and Mr. Nathan Hayward said in order to get through the next two years of budget difficulty everyone in the State of Delaware should make efforts to be innovative and creative.

Mr. Hayward proposed borrowing money from other entities to pay off properties on hold.

Mrs. Williams said a motion was made and passed at the December 9, 2008 meeting, directing staff to seek out conservation buyers to step in to help preserve properties.

Mr. Vickers said many of the conservation supporters were also going through the same financial difficulties and they have had to prioritize their financial support.

IV. Agency and Public Presentations

State Resources Areas (SRA) Update:

Ms. Lee Ann Walling presented a timeline for the State Resource Area Standards and Maps. The intent is to move forward with Interagency Working Group meetings, presentations to the Open Space Council, public hearings and workshops. The SRA maps will be transmitted to all three counties by early 2011 in order to be in line with the next comprehensive land use plan updates. Other issues to be resolved concurrently are an “appeals” process and a comprehensive communications strategy involving stakeholders, legislators, individual landowners and the general public.

Mrs. Williams presented David Small, Acting DNREC Secretary an official letter outlining the process of developing the standards and maps.

V. Executive Session - Discussion of Site Acquisition Contracts

There being no projects to discuss, no Executive Session was held.

VI. Project Recommendations

There being no projects to discuss, there were no project recommendations.

VII. Next Meeting and Adjournment

The next Open Space Council meeting will be held on Tuesday, June 9, 2009.

Mrs. Williams asked for a motion to adjourn the meeting. Motion was made by Mr. Hayward and seconded by Mr. Schroeder. The meeting adjourned at 10:20 a.m.

Respectfully submitted: Rose Ryödi